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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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SAMARADASA WEERAHADI,

Plaintiff,

-against-

TIME INC. and MITCHELL KLAIF,

Defendants.

-----X  
DEBORAH A. BATTS, United States District Judge.

This matter is before the Court upon the November 15, 2010 Report and Recommendation of United States Magistrate Judge Debra Freeman (the "Report"). Judge Freeman's Report recommends individual Defendant Klaif's Motion to Dismiss dated March 18, 2010 (Docket # 6) be GRANTED without prejudice to Plaintiff filing an Amended Complaint alleging violations of the New York State Human Rights Law and the New York City Human Rights Law (together, the "Human Rights Laws"). (Report at 1, 5-8.)

"Within fourteen days after being served with a copy [of a Magistrate Judge's Report and Recommendation], a party may serve and file specific written objections to the proposed findings and recommendations." Fed. R. Civ. P. 72(b)(2); accord 28 U.S.C. § 636(b)(1)(C). The district court may adopt those portions of the report to which no timely objection has been made, so long as there is no clear error on the face of the record. Wilds v. United Parcel Serv., Inc., 262 F.Supp.2d 163, 169 (S.D.N.Y.

2003). "[F]ailure to object timely to a magistrate's report operates as a waiver of any further judicial review of the magistrate's decision." Caidor v. Onondaga County, 517 F.3d 601, 604 (2d Cir. 2008) (quoting Small v. Sec. of HHS, 892 F.2d 15, 16 (2d Cir. 1989)). This rule applies to pro se parties so long as the magistrate's report "explicitly states that failure to object to the report within [fourteen (14)] days will preclude appellate review..." Small, 892 F.2d at 16.

Despite being advised of the procedure for filing objections in Judge Freeman's Report, and warned that failure to file objections would waive objections and preclude appellate review, (Report at 7-8), Plaintiff has filed no objections to the Report. The Court, however, is in receipt of Plaintiff's letter dated November 29, 2010 requesting permission, pursuant to the Report, to file an Amended Complaint stating claims under the Human Rights Laws.

Plaintiffs have filed no objections to the Report.

Having reviewed the Report, and finding no clear error on the face of the record, see 28 U.S.C. § 636(b)(1)(B), it is hereby ORDERED AND ADJUDGED that the Report and Recommendation of United States Magistrate Judge Debra Freeman, dated November 15, 2010, be and the same hereby is APPROVED, ADOPTED, and RATIFIED by the Court in its entirety. Plaintiff is directed to file his

Amended Complaint, if any, within sixty days of the date of this Order.

SO ORDERED.

Dated: New York, New York  
December 16, 2010

A handwritten signature in black ink, reading "Deborah A. Batts", is written over a horizontal line.

Deborah A. Batts  
United States District Judge